

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 17, 2005 - KL

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING:

Approval of payment to *Paul, Hastings, Janofsky & Walker, LLP* for professional legal services rendered by Robert H. Freilich, Esq. in the amount of \$53,701.20 (Invoice #1447826).

ITEM BACKGROUND:

Robert Freilich has been defending the County in Collins v. Monroe County, CAM-04-379.

PREVIOUS RELEVANT BOCC ACTION:

On November 29, 2004 the Board agreed to hire Mr. Freilich's prior law firm in the case.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: \$53,701.20

BUDGETED: Yes No

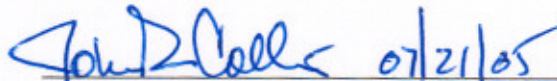
COST TO COUNTY: \$53,701.20

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

 07/21/05

JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

PAUL, HASTINGS, JANOFSKY & WALKER LLP
515 South Flower Street, 25th Floor, Los Angeles, CA 90071-2228
telephone 213-683-6000 / facsimile 213-627-0705 / internet www.paulhastings.com

Atlanta/ Beijing/ Hong Kong/ London/ Los Angeles/ New York/ Orange County/
San Diego/ San Francisco/ Shanghai/ Stamford/ Tokyo/ Washington, D.C.

PaulHastings

RECEIVED

JUL 13 2005

MONROE COUNTY ATTORNEY

Monroe County
P.O. Box 1026
Kew West, FL 33041-1026

Attn: Mr. Richard Collins

June 15, 2005

Please refer to
Invoice Number: 1447826
PHJ&W Tax ID No. 95-2209675

SUMMARY SHEET

Collins Litigation

PHJ&W LLP File# 58551-00002

Robert H. Freilich

Legal fees for professional services
for the period ending May 31, 2005
Costs incurred and advanced

\$52,380.00

1,321.20

Current Fees and Costs Due

\$53,701.20

Prior Balance Due

\$111,999.09

Total Balance Due

\$165,700.29

John Collins
07/21/05

Wiring Instructions:

Bank of America
ABA # 121000358
Swift Code: BOFAUS6S
101 South Marengo Avenue, 3rd Floor
Pasadena, CA 91101
Account Number: 14599-04796
Account Name: Paul, Hastings, Janofsky & Walker LLP
Comment: Please refer to the invoice number listed above.

Remittance Address:

Paul, Hastings, Janofsky & Walker LLP
515 South Flower Street
25th Floor
Los Angeles, CA 90071-2228

Refer all questions to Carol Brich at (213) 683-5039, or carolbrich@paulhastings.com.

PaulHastings

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Attn: Mr. Richard Collins

June 15, 2005

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PHJ&W Tax ID No. 95-2209675

OK
NBS
7/19/5

FOR PROFESSIONAL SERVICES RENDERED
for the period ending May 31, 2005

Collins Litigation

\$52,380.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
04/28/05	Robert H. Freilich	Outline for conference in Kansas City	2.80	350.00	\$980.00
05/02/05	Elisa Paster	Work on motion for opposition brief; meeting with T. Smith and S. Moore	8.00	350.00	\$2,800.00
05/02/05	Robert H. Freilich	Prepare cross-motion for summary judgment and opposition	8.00	350.00	\$2,800.00
05/03/05	Elisa Paster	Conference with T. Smith and S. Moore; draft cross-motion	8.00	350.00	\$2,800.00
05/03/05	Robert H. Freilich	Prepare cross-motion and opposition	6.00	350.00	\$2,100.00
05/04/05	Elisa Paster	Legal research	2.00	350.00	\$700.00
05/05/05	Edgar Khalatian	Research statute of limitations	1.50	350.00	\$525.00
05/05/05	Robert H. Freilich	Review administrative exhaustion section 1984 requirements; review U.S. supreme court cases	2.80	350.00	\$980.00

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<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
05/06/05	Robert H. Freilich	Prepare outline for cross-notice (1.4); legal research regarding ripeness and statute of limitations (1.8)	3.20	350.00	\$1,120.00
05/09/05	Elisa Paster	Legal research	2.50	350.00	\$875.00
05/09/05	Robert H. Freilich	Analyze state liability for May 24 meeting	1.40	350.00	\$490.00
05/10/05	Elisa Paster	Research mootness; teleconference with T. Smith	1.50	350.00	\$525.00
05/10/05	Robert H. Freilich	Telephone conference with T. Smith regarding continuance	1.00	350.00	\$350.00
05/11/05	Elisa Paster	Legal research; review correspondence	2.00	350.00	\$700.00
05/12/05	Elisa Paster	Legal research for cross motion for summary judgment	2.00	350.00	\$700.00
05/12/05	Robert H. Freilich	Review Gallaher appraisal (2.2); review Hauser and Quinlivan depositions (3.2)	5.40	350.00	\$1,890.00
05/13/05	Elisa Paster	Legal research on mootness and takings; teleconference with S. Moore and T. Smith; draft classes for cross motion for summary judgment	4.00	350.00	\$1,400.00
05/13/05	Robert H. Freilich	Telephone conference with attorneys on continuance (1.0); telephone conference with county attorneys on state involvement, procedures (1.0); prepare notes on FMV cases (1.40)	3.40	350.00	\$1,190.00
05/15/05	Elisa Paster	Draft cross motion for summary judgment	4.70	350.00	\$1,645.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
05/16/05	Elisa Paster	Draft cross-motion for summary judgment; teleconference with S. Moore	2.50	350.00	\$875.00
05/16/05	Robert H. Freilich	Review Gallaher appraisals; prepare analysis of appraisals; telephone conference with S. Moore regarding Gallaher deposition	3.70	350.00	\$1,295.00
05/17/05	Elisa Paster	Legal research regarding statute of limitations for quasi-judicial matters	2.00	350.00	\$700.00
05/17/05	Robert H. Freilich	Legal research regarding short statute of limitations and quasi-judicial proceedings	4.40	350.00	\$1,540.00
05/18/05	Robert H. Freilich	Legal research regarding treatises on administration and statutes of limitations; review Heusler v. City of Glendale	3.10	350.00	\$1,085.00
05/19/05	Elisa Paster	Teleconference with S. Moore; research administrative and legislative decisions	1.00	350.00	\$350.00
05/19/05	Mandana Dayani	Research	5.00	150.00	\$750.00
05/19/05	Mandana Dayani	Prepare memorandum to E. Paster regarding Monroe County	3.00	150.00	\$450.00
05/19/05	Robert H. Freilich	Review W. Hanson deposition transcript; telephone conference with S. Moore and M. Quiulivan	3.60	350.00	\$1,260.00
05/20/05	Mandana Dayani	Legal research; prepare memorandum	6.00	150.00	\$900.00
05/20/05	Robert H. Freilich	Prepare for conference with state officials	1.60	350.00	\$560.00

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<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
05/23/05	Elisa Paster	Review takings cases	0.30	350.00	\$105.00
05/23/05	Mandana Dayani	Research; review and revise memorandum	6.00	150.00	\$900.00
05/23/05	Robert H. Freilich	Analyze 2005 Growth Management Infrastructure Funding Act (\$100 million water protection fund) (2.4); legal research regarding special master quasi judicial process/development order challenges (1.8); analyze short statute of limitations (1.5); conference with county attorneys regarding state approaches (2.5)	8.20	350.00	\$2,870.00
05/24/05	Elisa Paster	Review administrative versus legislative procedure	0.30	350.00	\$105.00
05/24/05	Mandana Dayani	Research and writing	5.00	150.00	\$750.00
05/24/05	Robert H. Freilich	Conference with attorney for Florida DCA (1.5); conference with special counsel for Florida DCA on takings claims (0.5); conference with state and Monroe County attorneys (3.5)	5.50	350.00	\$1,925.00
05/25/05	Mandana Dayani	Research; appraisal law	6.00	150.00	\$900.00
05/26/05	Elisa Paster	Legal research on new takings decisions as applied to the summary judgment motion	1.00	350.00	\$350.00
05/26/05	Robert H. Freilich	Analyze memorandum to state attorney general and DCA general counsel	2.00	350.00	\$700.00
05/27/05	Elisa Paster	Research delay and futility for motion in opposition to summary judgment	2.50	350.00	\$875.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
05/27/05	Robert H. Freilich	Telephone conference with S. Moore regarding deposition of appraiser (1.0); legal research regarding loss of value versus loss of use in Lucas takings (1.4)	2.40	350.00	\$840.00
05/27/05	Seth D. Mennillo	Conference with R. Freilich regarding regulatory takings research assignment	0.50	150.00	\$75.00
05/28/05	Robert H. Freilich	Analyze first half of Gallaher deposition	2.50	350.00	\$875.00
05/30/05	Elisa Paster	Research and draft opposition to summary judgment	6.00	350.00	\$2,100.00
05/30/05	Robert H. Freilich	Analyze second half of Gallaher deposition; review Shodek appraisal deposition	5.00	350.00	\$1,750.00
05/31/05	Elisa Paster	Research delay and appraisals; draft opposition to summary judgment	4.00	350.00	\$1,400.00
05/31/05	Robert H. Freilich	Prepare memorandum to State of Florida	3.50	350.00	\$1,225.00
05/31/05	Seth D. Mennillo	Research Florida cases regarding delay	2.00	150.00	\$300.00
Total Fees			168.80		\$52,380.00

Timekeeper Summary

Robert H. Freilich	79.50 hours at	\$350.00
Edgar Khalatian	1.50 hours at	\$350.00
Elisa Paster	54.30 hours at	\$350.00
Mandana Dayani	31.00 hours at	\$150.00
Seth D. Mennillo	2.50 hours at	\$150.00

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For Costs Incurred and Advanced

Airfare	271.55
Meals	105.31
Taxi/Ground Transportation	291.67
Lexis/On Line Search	615.44
Long Distance Telephone Charges	36.63
Postage/Express Mail	0.60
Total Costs	\$1,321.20

Current Fees and Costs Due	\$53,701.20
Prior Balance Due	\$111,999.09
Total Balance Due	\$165,700.29